

CALENDAR ITEM

C18

A 1

04/23/15

PRC 5125.1

S 1

S. Kreutzburg

**ACCEPTANCE OF A LEASE QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of The Folan Family 1991 Revocable Trust, Dated May 7, 1991

APPLICANT:

Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust u/a/d August 3, 2011

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2570 West Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and two mooring buoys.

LEASE TERM:

10 years, beginning July 31, 2014.

CONSIDERATION:

\$1,264 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If

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Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 26, 2013, the Commission authorized a 10-year General Lease - Recreational Use to Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of The Folan Family 1991 Revocable Trust, Dated May 7, 1991. That lease will expire on August 31, 2022. On July 31, 2014, interest in the upland property was deeded to Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust u/a/d August 3, 2011. The Applicant is now applying for a General Lease – Recreational Use.
3. The Lessee executed a lease quitclaim deed releasing the Lessee's interest in the Lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. **Acceptance of a Lease Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a lease quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).
5. **New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon

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the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of a Lease Quitclaim Deed: Find that the subject acceptance of a lease quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

New Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of a lease quitclaim deed for Lease No. PRC 5125.1, a General Lease - Recreational Use, issued to Jon K. Folan and Gail L. Folan, Co-Trustees or Successor Trustees of The Folan Family 1991 Revocable Trust, Dated May 7, 1991, effective July 30, 2014.
2. Authorize issuance of a General Lease – Recreational Use to Robert Solomon and Jessica Solomon, Co-Trustees of the Solomon Revocable Trust u/a/d August 3, 2011, beginning July 31, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier and two mooring buoys as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,264, with an

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annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5125.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 24, Township 15 North, Range 16 East, MDM., as shown on Official Government Township Plat approved August 3, 1927, County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, a landing, stairs and two (2) catwalks lying adjacent to that parcel as described in that Grant Deed recorded July 31, 2014 as Document Number 2014-0052292 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2 & 3 – BUOYS

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to said Parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared March 2, 2015 by the California State Lands Commission Boundary Unit.



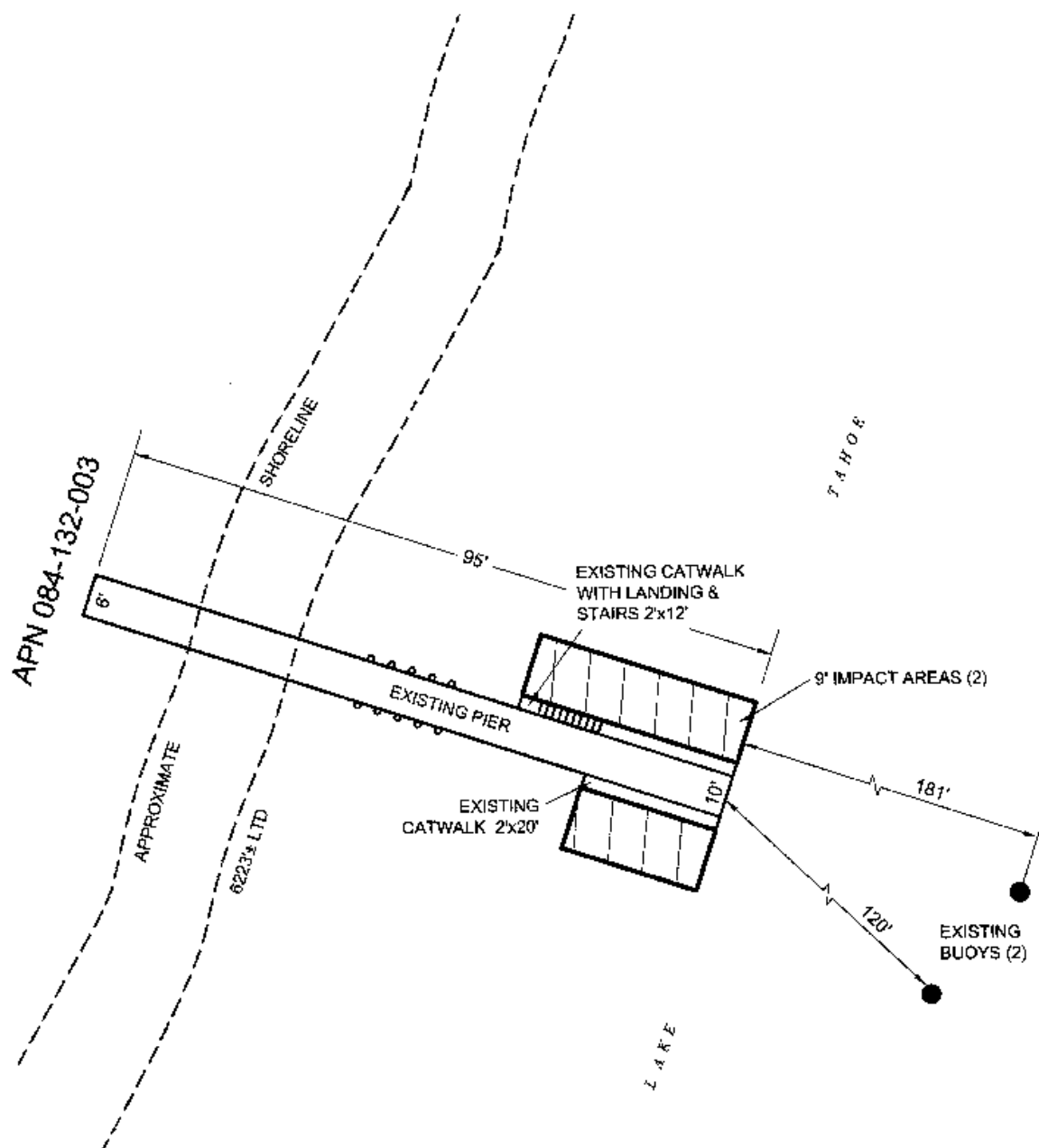


EXHIBIT A

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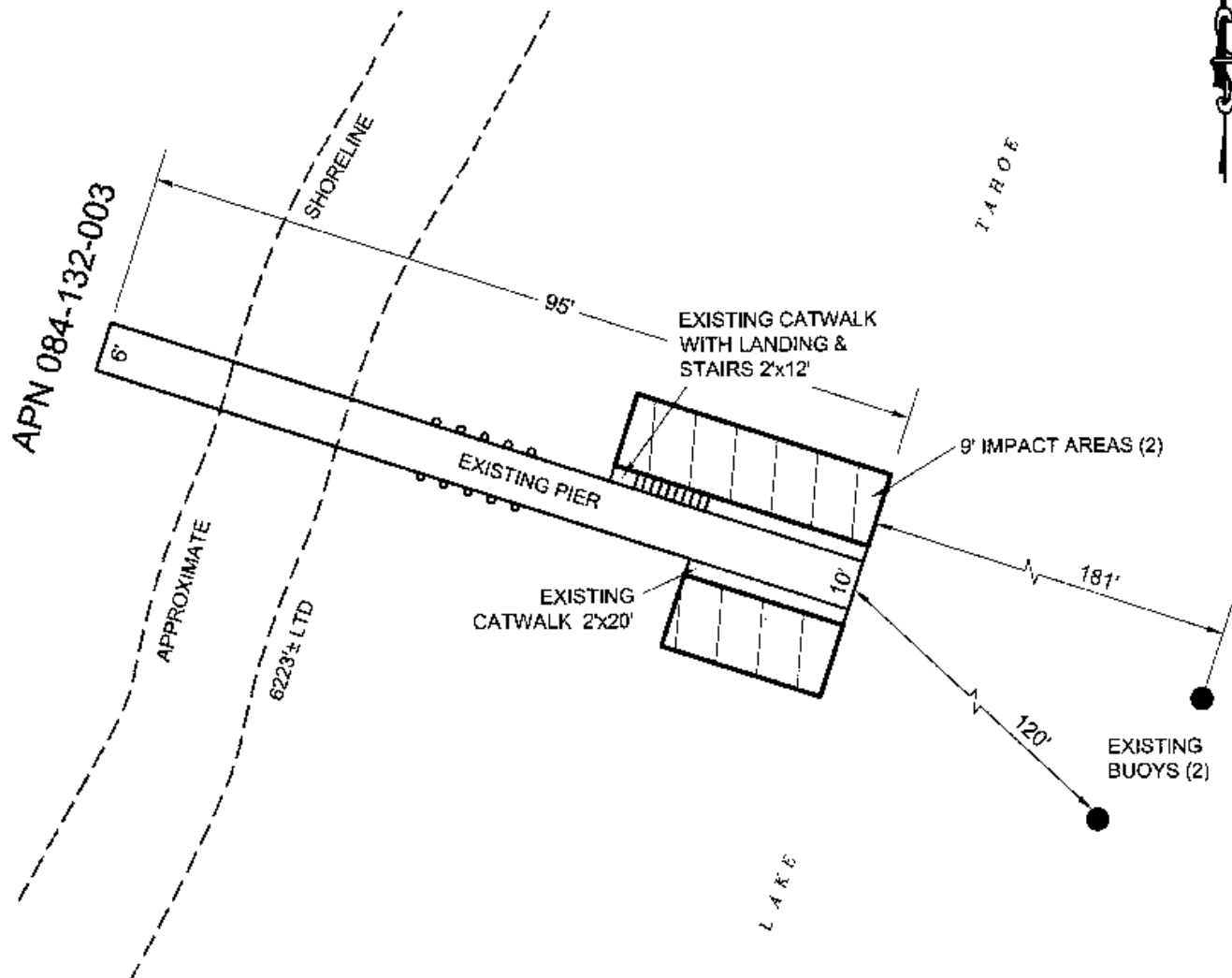
LAND DESCRIPTION PLAT
PRC 5125.1, SOLOMON TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION

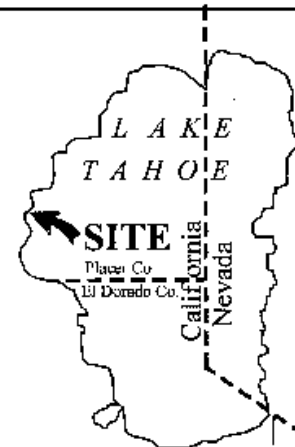


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 5125.1
SOLOMON TRUST
APN 084-132-003
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



MJJ 03/02/2015